CONFERENCE OF THE COMMITTEE ON DISARMAMENT

CCD/PV.474
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ENGLISH

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FINAL VERBATIM RECORD OF THE FOUR HUNDRED AND SEVENTY-FOURTH MEETING

held at the Palais des Nations, Geneva,
on Tuesday, 30 June 1970, at 10.30 a.m.

Chairman: Mr. I. DATCU (Romania)

(Previous verbatim records in this series appeared under the symbols ENDC/PV.1-ENDC/PV.430).

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PRESENT AT THE TABLE

Argentina:	Mr. C. ORTIZ de ROZAS
	Mr. A.F. DUMONT
	Mr. V.E. BERASATEGUI
Brazil:	Mr. R.E. SARAIVA GUERREIRO
	Mr. C.A. de SOUZA e SILVA
	Mr. L.F. PALMEIRA LAMPREIA
Bulgaria:	Mr. T. PETROV
	Mr. I. PEINIRDJIEV
Burma:	U KYAW MIN
Canada:	Mr. G. IGNATIEFF
	Mr. R.W. CLARK
	Mr. J.R. MORDEN
	Mr. R.E. MOORE
Czechoslovakia:	Mr. M. VEJVODA
	Mr. J. STRUCKA
	Mr. F. MARESKA
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Hungary:	Mr. J. PETRAN
	Mr. I. SARKADI
	Mr. F. GAJDA
India:	Mr. M.A. HUSAIN
	Mr. N. KRISHNAN
Italy:	Mr. R. CARACCIOLO
	Mr. F.L. OTTIERI
	Mr. R. BORSARELLI
	Mr. U. PESTALOZZA

Japan:	Mr. H. TANAKA
	Mr. H. OTSUKA
	Mr. T. SENGOKU
	Mr. A. TOMIKAWA
Mexico:	Mr. J. CASTANEDA
	Mr. B. SEPULVEDA
	Mr. R. VALERO
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	Mr. B. DASHTSEREN
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Morocco:	Mr. M.A.A. KHATTABI
	Mr. A. BENKIRANE
Netherlands:	Mr. H.F. ESCHAUZIER
	Mr. E. BOS
Nigeria:	Mr. C.O. HOLLIST
	Mr. L.A. MALIKI
Pakistan:	Mr. K. AHMED
	Mr. S.A.D. BUKHARI
	Mr. T.O. HYDER
Poland:	Mr. K. ZYBYLSKI
	Mr. H. STEPOSZ
Romania:	Mr. I. DATCU
	Mr. C. MITRAN
	Mr. N. CHILIE
Sweden:	Mrs. A. MYRDAL
	Mr. A. EDELSTAM
	Mr. R. BOMAN

Union of Soviet Socialist Republics:	Mr. A.A. ROSHCHIN
	Mr. I.I. TCHEPROV
	Mr. L.A. MASTERKOV
	Mr. Y.C. NAZARKINE
United Arab Republic:	Mr. H. KHALLAF
	Mr. E.S. EL REEDY
	Mr. Y. RIZK
United Kingdom:	Mr. I.F. PORTER
	Mr. J.T. MASEFIELD
	Mr. R. HOULISTON
	Mr. L.W. BOYES
United States of America:	Mr. J.F. LEONARD
	Mr. A.F. NEIDLE
	Mr. W. GIVAN
	Mr. R.L. McCORMACK
Yugoslavia:	Mr. M. BOZINOVIC
Deputy Special Representative of the Secretary-General:	Mr. W. EPSTEIN

1. The CHAIRMAN (Romania) (translation from French): I declare open the 474th plenary meeting of the Conference of the Committee on Disarmament.

2. Mr. CARACCIOLO (Italy) (translation from French): As this is the first time that my delegation has spoken since the session was resumed, I should like to associate myself with previous speakers in extending a welcome to the new heads of delegations and also to those who have come back to us after a long absence.

3. The sole purpose of my brief statement is to introduce document CCD/289, which the Secretariat has just distributed at our request and which is intended to be a specific contribution by the Italian delegation to the negotiations on the problem of chemical weapons. Perhaps you will allow me also to make a few comments and some more general observations on the question as a whole.

4. During the work of the Conference in 1969 and in 1970 a number of delegations advocated the idea of convening an international group of experts to study the problem of chemical and biological weapons and, more especially, that of the control of chemical weapons. I should like in particular to recall the statements made by the delegation of Japan on 14 August 1969 (ENDC/PV.428, para. 47) and on 10 March 1970 (CCD/PV.456, paras. 80-82).

5. The informal meeting held at the request of the Swedish delegation on 22 April, in which experts from various countries took part, confirmed the importance of the problem of the controls to be provided in negotiations on chemical weapons. What took place at that meeting showed, moreover, that in order to make a useful contribution to the achievement of the specific objectives of the Conference of the Committee on Disarmament, the activities of a group of experts should be guided by this Committee itself. That is the gist of the working paper which has just been distributed and is essentially designed to suggest how the Conference of the Committee on Disarmament could give the experts the directives they would need to enable them to draw up a truly useful document and offer the Conference a technical instrument useful for its study of the possibilities of control of chemical weapons.

6. In submitting this document the Italian delegation feels, in keeping with the views expressed by a large number of other delegations, that the problem of chemical weapons has certain special aspects which are very difficult to deal with -- in particular the choice of control measures -- and that this problem of controls should be considered in a systematic and detailed manner. In that context we believe that

(Mr. Caracciolo, Italy)

our initiative may help to spell out all the aspects of the problem from the procedural point of view.

7. Moreover, in our opinion we cannot renounce the idea of making some progress, however limited, while we await the conclusion of a global agreement on prohibition of the possession and production of chemical and biological weapons. Thus we are convinced that in the meantime we must devote our attention to solving the relatively more simple problem of prohibition of the possession and production of biological weapons, while at the same time actively continuing our efforts to find a solution encompassing both types of weapons.

8. With reference to the two draft conventions presented by the United Kingdom Government (ENDC/255/Rev.1) and by the governments of the nine socialist countries (A/7655), concerning respectively the prohibition of biological methods of warfare and that of the development, production and stockpiling of chemical and bacteriological (biological) weapons, Italy has already had occasion to express its views at the twenty-fourth session of the General Assembly and here in Geneva on 26 February (CCD/PV.453, paras. 25-28). We are bound to say that the discussion in the Conference of the Committee on Disarmament appears to have confirmed the soundness of the views we then expressed.

9. The representatives of the United Kingdom, Canada and the United States have, furthermore, already provided the Conference with a mass of evidence demonstrating the differences between the methods of chemical warfare and those of biological warfare in their nature, method of use and deterrent force and in the effectiveness of retaliatory measures. We therefore believe it would be difficult to undertake to renounce the development, production and stockpiling of chemical weapons unless that undertaking were included in a convention also providing for effective control measures. On the other hand it seems to us just as clear that, in view of the characteristic differences of biological weapons, such an undertaking could be accepted for these even if the control procedures were limited to the system provided in the United Kingdom draft.

10. I should like, therefore, to reiterate the support of my Government for the draft convention on the prohibition of the production and stockpiling of biological weapons submitted on 26 August 1969 by the United Kingdom delegation. In our view that draft, which is in itself an important measure of armament limitation, could also be a useful stimulus to the subsequent negotiation of other agreements on chemical weapons.

(Mr. Caracciolo, Italy)

11. I should also like to take this opportunity to express the adherence of my Government to the proposal put forward by the United States delegation on 28 April (CCD/PV.468, paras. 11 et seq.; CCD/290) to include in the United Kingdom draft the prohibition of toxins. We believe that such an amendment would considerably widen the scope of the United Kingdom draft.

12. The date of 17 June marked the forty-fifth anniversary of the Geneva Protocol (A/7575/Rev.1, Annex VI). That Protocol is, in our view, an international instrument of primary importance which, as the Secretary-General of the United Nations has so rightly pointed out, has stood the test of time and proved to be a document of historical significance.

13. Allow me, therefore, in concluding this brief statement to recall here the position taken by my delegation in its statement on 26 February on the prohibition of the use of chemical and biological weapons. We still believe that we could make the Protocol more effective and achieve definite progress by enlarging its geographic scope, thus giving it a universal character. And, as we see it, the best means of doing that might perhaps be to withdraw the reservations expressed on ratification in order to safeguard the right to use weapons covered by the prohibitions of the Protocol against non-signatory States. It is, of course, understood that the withdrawal of those reservations -- which do not affect the text of the Protocol -- would in no way derogate from the right of retaliation against countries, signatory or non-signatory, which resorted first to the use of the weapons prohibited by the Protocol.

14. Moreover, we feel that the reservations whose withdrawal we are proposing no longer correspond to the present positions of some States. Confirmation of that impression can be found in the statement made by President Nixon on 25 November 1969, when he said that the United States renounced first use of lethal and incapacitating chemical weapons.

15. We are well aware that withdrawal of reservations to an international instrument may raise legal and constitutional problems. These problems must therefore be studied very thoroughly; and the Italian delegation, for its part, will not fail to devote its whole attention to them and may revert to them later.

16. Mr. LEONARD (United States of America): As my colleagues are aware, the United States believes that the international community can and should conclude without delay a convention eliminating disease as a weapon of war. As we made clear at the end of our last session (CCD/PV.468, paras. 11 et seq.), we are prepared to see such a convention cover not only biological agents but also the lethal chemical substances known as toxins. An opportunity thus exists to take a major stride forward in arms-control negotiations. To do all that we can in this effort, I wish to put forward today precise language for amending the United Kingdom draft convention (ENDC/255/Rev.1) so that it would prohibit the use, production and stockpiling of toxins as well as biological agents.

17. The United States delegation has already described the potentially devastating effects of the use of toxins in warfare and the essential similarity between facilities required for the production of military toxins and biological warfare agents. We have also expressed the view that, although toxins are chemical substances, their characteristics from the viewpoint of arms control are so closely related to those of biological agents that the treatment of those two categories in the same convention would be not only feasible but highly desirable.

18. Accordingly we propose that article I of the United Kingdom draft convention for the prohibition of biological methods of warfare be amended to read as follows:

"Article I

"Each of the Parties to the Convention undertakes, insofar as it may not already be committed in that respect under Treaties or other instruments in force prohibiting the use of chemical and biological methods of warfare, never, in any circumstances, by making use for hostile purposes of microbial or other biological agents or toxins causing death, damage or disease to man, other animals, or crops, to engage in biological methods of warfare." (CCD/290)

19. We also propose that a similar change be made in article II (a)(i) by inserting the words "or toxins" after the phrase "microbial or other biological agents", so that toxins will be expressly included in the convention's prohibitions and requirements concerning production, acquisition, research and destruction.

20. It should be noted that in our proposed amendment of article I we have deleted the phrase "by infection or infestation". That is because we believe that the emphasis of the prohibition should be on the agents themselves rather than on the manner in which a disease is introduced.

(Mr. Leonard, United States)

21. We have circulated a working paper (ibid.) which formally proposes these amendments.

22. By including these extremely deadly agents, toxins, in the draft convention proposed by the United Kingdom, we will be greatly enhancing the scope, and thus the importance, of this arms-control measure. I trust that all those delegations that are determined, as we are, to strengthen arms-control restraints in the fields of chemical and biological weapons will appreciate the significance of these amendments. Let us not fail to seize the opportunity before us to negotiate a valuable and practical arms-control measure.

23. The CHAIRMAN (Romania): I wish to make an announcement. The Committee was informed on 28 April (CCD/PV.468, para. 26) that the co-Chairmen had received letters from Ambassador Akwei, chairman of the Committee for the Twenty-Fifth Anniversary of the United Nations. Ambassador Akwei asked when the Conference of the Committee on Disarmament planned to complete its work this year, and requested documentation that might be relevant to final documents for consideration at the twenty-fifth session of the United Nations General Assembly.

24. The co-Chairmen are responding to these enquiries as follows:

"Dear Ambassador Akwei,

"Thank you for your letters concerning the twenty-fifth anniversary of the United Nations and the tasks entrusted to your Committee in preparing a final document or documents to be signed or adopted during the commemorative session of the General Assembly.

"At present we would like to inform you that the spring session of the Conference of the Committee on Disarmament began on 17 February and concluded on 30 April. The Committee reconvened on 16 June. During the current session the Committee will be occupied, inter alia, with the resolutions regarding disarmament adopted by the twenty-fourth session of the General Assembly and the report to the General Assembly on the Committee's deliberations on all questions before it during 1970. This report will provide comprehensive documentation on the work of the Conference of the Committee on Disarmament during 1970. It will be available at the end of the summer session. In view of the variety of issues with which the Conference of the Committee on Disarmament is dealing at this session, the date when the Committee will complete its work this year will be determined later in the session.

(The Chairman, Romania)

"The verbatim reports of the meetings of the Conference of the Committee on Disarmament and the final reports of the Committee to the United Nations General Assembly of previous years are already available in New York. As for the material on the current session of the Conference of the Committee on Disarmament, we will request the Deputy Special Representative of the United Nations Secretary-General to make it available as early as possible."

The Conference decided to issue the following communiqué:

"The Conference of the Committee on Disarmament today held its 474th plenary meeting in the Palais des Nations, Geneva, under the chairmanship of H.E. Ambassador Ion Datcu, representative of Romania.

"Statements were made by the representatives of Italy and the United States of America and by the Chairman.

"The delegation of Italy submitted a document entitled 'Suggestions regarding the possible convening of a group of experts to study the problem of controls over chemical weapons and the way in which such a group should function' (CCD/289).

"The delegation of the United States of America submitted a 'Working paper on the toxin amendment to the United Kingdom draft convention for the prohibition of biological methods of warfare' (CCD/290).

"The next meeting of the Conference will be held on Thursday, 2 July 1970, at 10.30 a.m."

The meeting rose at 11 a.m.

CCD/PV.475
2 July 1970
ENGLISH

CONFERENCE OF THE COMMITTEE ON DISARMAMENT

FINAL VERBATIM RECORD OF THE FOUR HUNDRED AND SEVENTY-FIFTH MEETING

held at the Palais des Nations, Geneva,
on Thursday, 2 July 1970, at 10.30 a.m.

Chairman: Mrs. A. MYRDAL (Sweden)

(Previous verbatim records in this series appeared under the symbols ENDC/PV.1-ENDC/PV.430).

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	Mr. C.A. de SOUZA e SILVA
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Bulgaria:	Mr. T. PETROV
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	Mr. G. AIEMU
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	Mr. I. SARKADI
	Mr. F. GAJDA
India:	Mr. M.A. HUSAIN
	Mr. N. KRISHNAN
Italy:	Mr. R. CAVACCIOLO
	Mr. F.L. OTTIERI
	Mr. R. DORSARELLI
	Mr. U. PESTALOZZA

Japan:	Mr. H. TANAKA
	Mr. H. OTSUKA
	Mr. T. SENGOKU
	Mr. T. OSA
Mexico:	Mr. B. SEPULVEDA
	Mr. R. VALERO
Mongolia:	Mr. D. ERDEMBILEG
	Mr. S. DASHTSEREN
	Mrs. D. DALJINNYAM
Morocco:	Mr. M.A.A. KHATTABI
	Mr. A. BENKIRANE
Netherlands:	Mr. H.F. ESCHAUZIER
	Mr. E. BOS
Nigeria:	Mr. C.O. HOLLIST
	Mr. L.A. MALIKI
Pakistan:	Mr. K. AHMED
	Mr. T.O. RYDER
Poland:	Mr. W. NATORF
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	Mr. K. STOPOSZ
Romania:	Mr. I. DATCU
	Mr. C. MITRAN
	Mr. N. CHILIE
Sweden:	Mrs. A. MYRDAL
	Mr. A. EDELSTAM
	Mr. T. BENGTSON
	Mr. J. PRAWITZ

Union of Soviet Socialist Republics:	Mr. A.A. ROSHCHIN
	Mr. I.I. TCHEPROV
	Mr. L.A. MASTERKOV
	Mr. Y.C. NAZARKINE
United Arab Republic:	Mr. H. KHALLAF
	Mr. C. SIRRY
	Mr. M. ISMAIL
United Kingdom:	Mr. I.F. PORTER
	Mr. J.T. MASEFIELD
	Mr. R. HOULISTON
	Mr. L.W. BOYES
United States of America:	Mr. J.F. LEONARD
	Mr. A.F. NEIDLE
	Mr. W. GIVAN
	Mr. R.L. McCORMACK
Yugoslavia:	Mr. M. BOZINOVIC
Deputy Special Representative of the Secretary-General:	Mr. W. EPSTEIN

1. The CHAIRMAN (Sweden): I declare open the 475th plenary meeting of the Conference of the Committee on Disarmament.

2. Mr. CARACCIOLO (Italy): The problem of a comprehensive programme for general and complete disarmament has been a matter of constant concern for the Italian delegation. We have always been prompted by the preoccupation that all the engagements to be undertaken in order to achieve our common goal should be shared, if not equally, at least in accordance with some agreed criteria, among the different States concerned. Though a perfect balance is hard to strike in this matter, as in any international negotiation, it seems to us that it is easier to achieve a fair division of burdens by including them in a comprehensive frame or programme than by taking up various measures separately, guided only by circumstances.

3. Of course we recognize the validity of the thesis that all disarmament measures must be viewed in the political context of the moment; but we believe that that assumption does not exclude the possibility, not to say the necessity, of a programme flexible enough to allow for updating whenever necessary, in order to examine all the implications of the different measures of disarmament and, consequently, to help maintain a fair balance among them. The existence of such a programme would also -- in our opinion -- allow for a better understanding of the interrelation between and the implications of the various measures of disarmament and might help to overcome some of the obstacles that would arise in their application; therefore it could have an accelerating and a positive effect on the entire process of disarmament.

4. In line with those central ideas the Italian delegation has, since last year, been setting forth some thoughts on the matter in the hope of stimulating a wider discussion in this Conference. I refer particularly to our working paper dated 21 April 1969 (ENDC/245) in which we submitted some suggestions for the adoption of an organic disarmament programme. Subsequently, in the course of the informal meeting convened on 20 August 1969, we submitted a statement (ENDC/269) in which we tried to explain more clearly the kind of programme of disarmament we had in mind.

5. Our action in favour of a study for a comprehensive programme continued through the debates in the First Committee at the twenty-fourth session of the General Assembly and found its logical expression in the presentation of a draft resolution (A/C.1/L.499) by the Italian, Japanese and Irish delegations. That draft resolution, which was approved by the General Assembly by 105 votes to none, with thirteen abstentions, now stands before us as resolution 2602 E (XXIV) (CCD/275).

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6. Again, at our winter session this year, in a statement made on 26 February (CCD/PV.453, para. 15), the Italian delegation expressed the view that the establishment of a comprehensive programme is something more than the preparation of a mere priority list of measures to be considered. In that statement we pointed out that, according to the wording of the General Assembly resolution, that programme should cover all the aspects of the problem, including those which had been referred to by the representative of Sweden in her statement of 18 February (CCD/PV.450) and by the representative of the Netherlands in his working paper (CCD/276). We added, on that occasion, that the long and difficult operation we were confronted with required a pragmatic approach and, at the same time, imaginative efforts; that this work should take as a starting point a number of simple criteria on the basis of which it should be fairly easy to evolve a common opinion that would increasingly develop, finally becoming the object of negotiations and firm commitments by all countries.

7. We thought then that our first step should be to find the methods of work most appropriate for achieving this objective. Therefore, the practical suggestion put forward in our statement of 26 February was that a working group open to all delegations should be established and should meet regularly without affecting the negotiations in the full Committee on specific and collateral measures. Only as an alternative suggestion, we referred to other unofficial means that could make it possible for exchanges of views between delegations to proceed without interruption (CCD/PV.453, para. 17).

8. We also tried to make clear in that statement that this extensive period of consultations between delegations concerned, either in an official or in an unofficial working group, should be limited to the first phase of our session, while in a second phase -- which corresponds to the present session of our Conference -- the Committee could begin to consider this important problem at its official meetings (ibid., para.18).

9. Following our statement of 26 February we waited the entire month of March for other initiatives on this important subject to be taken or for a response to be made to our suggestions. It was only at the beginning of April that contacts were established spontaneously among a certain number of delegations that meanwhile had expressed, in their official statements or in private conversations, views similar to our own as to the best way to get some action started.

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10. I should therefore like to make it perfectly clear to the whole Committee that at no moment was there any desire whatever to preclude any delegation from participating in our exchange of views, and that the setting up of the group that met regularly during the entire month of April was the result of a spontaneous gesture and was not based on any political or geographical criteria. It was a desire for efficiency that prompted us to confine our initial effort to the limited number of representatives who had expressed views similar to our own; and more than once in our meetings we expressed the common desire to enlarge our consultations progressively without prejudicing the efficacy of our exercise.

11. Let me add that our efforts to find some kind of common language on such a wide problem were by no means secret; that every other delegation here, through various channels, was well aware of the nature and general direction of our efforts; and also that at no time during that period did we hear any criticism of our initiative but, on the contrary, we received a good deal of encouragement. I shall limit myself to recalling the following words used by the United Kingdom representative, Lord Chalfont, in his statement of 30 April:

> "... I am extremely happy and encouraged to see that there is a great deal of work being done behind the scenes on the question of general and complete disarmament, and it is encouraging to see how ideas on that are now being formulated. I for one look forward very much to seeing how that develops when we return here after the recess." (CCD/PV.469, para.3)

At the same meeting the United States representative, speaking on resolution 2602 E (XXIV) (CCD/275), said:

> "Some delegations have already begun to give this question careful attention, and we are confident that the ideas which they have been developing, together with the thoughts that other Committee members may bring back after the recess, will be a positive contribution to our work this summer." (CCD/PV.469, para. 72)

12. By then we had reached the end of April, and because of the adjournment of the Conference our group too had to interrupt its work. During the short period we had met, from 5 April to the end of that month, more ideas were exchanged than we managed to put on paper. The problem we had started to tackle was so wide that some time had to elapse before the various approaches to this problem could converge in a

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common line of thought and be translated into common language. That is why, even if the actual wording we finally agreed upon does not carry us very far towards finding a satisfactory answer to the many questions that were raised, we honestly believe that our efforts were useful and that they could constitute a basis or a starting-point for further elaboration in this Committee.

13. While we were conscious of the incompleteness of our work and of the necessity of filling in the blanks we had left because of the limited time at our disposal, we also found ourselves in complete agreement on the necessity, before going any further, to set forth to the full Committee the modest result of our first endeavours in order to find here a larger field of agreement. We would certainly be very happy and satisfied if these efforts in the field of general and complete disarmament could somehow give a stimulus to the proceedings of the Committee.

14. May I now expose to the Committee the "Preliminary considerations representing, in general terms, the views of a number of delegations with which the delegation of Italy has been in consultation"?

15. In the first paragraph, entitled "Goal, principles and mandates", these delegations recalled: that United Nations General Assembly resolution 1378 (XIV) of 20 November 1959 and the Joint Statement of Agreed Principles of 20 September 1961 (ENDC/5), endorsed by United Nations General Assembly resolution 1722 (XVI), represent the basis for disarmament negotiations and for new efforts towards general and complete disarmament under effective international control; that draft treaties on general and complete disarmament were presented in 1962 by the Soviet Union (ENDC/2/Rev.1) and the United States (ENDC/30 and Add.1-3), and that it had been suggested by several countries that these draft treaties could be revised and brought up to date; that United Nations General Assembly resolution 2602 E (XXIV) of 16 December 1969 requested the Conference of the Committee on Disarmament --

> "... to work out ... a comprehensive programme, dealing with all aspects of the problem of the cessation of the arms race and general and complete disarmament under effective international control, which would provide the Conference with a guideline to chart the course of its further work and its negotiations ..." (CCD/275);

and finally that both in the Agreed Principles and in resolution 2602 E (XXIV) it is recognized that negotiations should continue with a view to reaching agreements on partial or collateral measures, facilitating and forming part of a programme of general and complete disarmament under effective international control.

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16. In a second paragraph, entitled "Main elements of the programme", it was pointed out that progress in disarmament is not an isolated matter but is intimately connected with and influenced by problems of international peace and security and the peaceful settlement of disputes; that in order to establish the international climate of confidence and good will necessary for progress, specific measures to build up confidence should urgently be agreed upon, including special studies on certain subjects. May I note at this point that the choice of topics to be studied was left for subsequent elaboration?

17. It was further pointed out in this paragraph that, while progress is being made to build up confidence, the States members of the Conference of the Committee on Disarmament should engage themselves to negotiate meaningful measures to prevent and limit armament as well as measures of disarmament, taking into account, inter alia, the special studies mentioned above. It was also recognized that, in the achievement of general and complete disarmament under effective international control through measures to prevent and limit armament as well as through measures of disarmament, there should be a balance among these categories of measures.

18. We come now to a third paragraph, entitled "Phases of the programme". There it was recalled that the need for flexibility had been generally recognized and that the highest priority should be accorded to measures for the cessation of the nuclear arms race and for nuclear disarmament. It was then suggested that, taking into account the Agreed Principles and the United Nations General Assembly resolutions mentioned above, and further taking into account agreements already achieved on collateral measures, the Conference of the Committee on Disarmament should envisage dealing in successive phases with the main elements mentioned under the second paragraph. It was also recognized that an attempt should be made to decide upon these various phases and to outline the possible content of each phase. Again let me point out that the content of each phase was also left as a blank for further elaboration. It was further proposed that a review of the programme of disarmament could take place each year in the First Committee of the United Nations General Assembly.

19. Finally, in a fourth paragraph, entitled "General considerations", it was suggested that various problems closely related to disarmament negotiations would have to be examined. The following ones were tentatively singled out for further discussion and elaboration: priorities, balance, verification, regional arrangements, universal participation, public opinion and methods of work.

(Mr. Caracciolo, Italy)

20. I do not wish for the moment to make any comments on wording that is the result of a common effort which the other representatives with whom I had the honour of working have entrusted me with explaining, in their name, in this plenary meeting. I feel that any comment at this moment on my part could alter the character of my statement today, whose only aim is to trace the origin and the cause of the convening of our group and to present its work in the most faithful and objective way.

21. I wish only to express here my sincere thanks to my colleagues for the confidence they have shown in me, and to assure the entire Committee that my delegation stands ready to continue, at any time and in any framework, the elaboration of the work we initiated in our limited group. Ours was only a coup d'envoi to a ball we hope will keep rolling for a long time.

22. Of course I reserve the right to intervene at a later stage of the discussion and to express whatever ideas or suggestions the Italian delegation may wish to elaborate on the problem of a comprehensive programme, to which it attaches the utmost importance.

23. The CHAIRMAN (Sweden): I now call on the representative of the Soviet Union on a point of order.

24. Mr. ROSHCHIN (Union of Soviet Socialist Republics) (translation from Russian): Mr. Kutakov, the Under-Secretary-General for Political and Security Council Affairs, is at present in Geneva, at the Palais des Nations. Since a meeting of a Committee that is within his sphere of competence is in progress, it would be entirely appropriate for him to be invited to the meeting on the same basis as that on which Mr. Winspeare Guicciardi, Under-Secretary-General, has participated in our meetings. I would therefore request you, Madam Chairman, to invite Mr. Kutakov, Under-Secretary-General, to take part in our meeting.

25. The CHAIRMAN (Sweden): The representative of the Soviet Union has raised the question whether the Under-Secretary-General for Political and Security Council Affairs should be invited to participate in today's meeting. Does any representative wish to comment?

26. Mr. LEONARD (United States of America): This being a procedural matter, I wonder whether it might not be appropriate for the Committee to have a short recess in order that this matter may be considered, perhaps between the co-Chairmen of the Conference.

27. The CHAIRMAN (Sweden): The representative of the United States has proposed a brief recess before this procedural matter is taken up by the Committee. If there is no objection we will have a brief recess.

It was so decided.

The meeting was suspended at 11 a.m. and resumed at 11.30 a.m.

28. The CHAIRMAN (Sweden): The Committee is aware that a procedural question has arisen. A proposal has now been made jointly by the co-Chairmen to postpone the meeting until tomorrow at 10.30 a.m. If there are no objections, it will be so decided.

It was so decided.

The Conference decided to issue the following communiqué:

"The Conference of the Committee on Disarmament today held its 475th plenary meeting in the Palais des Nations, Geneva, under the chairmanship of H.E. Mrs. Alva Myrdal, representative of Sweden.

"Statements were made by the representatives of Italy, the Union of Soviet Socialist Republics, the United States of America and the Chairman.

"The 475th meeting of the Conference will be continued on Friday, 3 July 1970, at 10.30 a.m."

The meeting was suspended at 11.35 a.m.

CONFERENCE OF THE COMMITTEE ON DISARMAMENT

CCD/PV.475/Add.1
3 July 1970
ENGLISH

VERBATIM RECORD OF THE CONTINUED PART OF THE
FOUR HUNDRED AND SEVENTY-FIFTH MEETING

held at the Palais des Nations, Geneva,
on Friday, 3 July 1970, at 10.30 a.m.

Chairman: Mrs. A. MYRDAL (Sweden)

(Previous verbatim records in this series appeared under the symbols ENDC/PV.1-ENDC/PV.430).

GE.70-13493
70-5547C

PRESENT AT THE TABLE

Argentina:	Mr. C. ORTIZ de ROZAS
	Mr. A.F. DUMONT
	Mr. V.E. BERASATEGUI
	Mr. M.E. DELPECH
Brazil:	Mr. R.E. SARAIVA GUERREIRO
	Mr. C.A. de SOUZA e SILVA
	Mr. L.F. PALMEIRA LAMPREIA
Bulgaria:	Mr. T. PETROV
	Mr. I. PEINIRDJIEV
Burma:	U KYAW MIN
Canada:	Mr. G. IGNATIEFF
	Mr. R.W. CLARK
	Mr. R.E. MOORE
Czechoslovakia:	Mr. M. VEJVODA
Ethiopia:	Mr. A. ZELLEKE
	Mr. G. AIENU
Hungary:	Mr. J. PETRAN
	Mr. I. SARKADI
	Mr. F. GAJDA
India:	Mr. N. KRISHNAN
Italy:	Mr. R. CARACCIOLO
	Mr. F.L. OTTIERI
	Mr. R. BORSARELLI
	Mr. U. PESTALOZZA

Japan:	Mr. H. TANAKA
	Mr. H. OTSUKA
	Mr. T. SENGOKU
	Mr. T. OSA
Mexico:	Mr. J. CASTAÑEDA
	Mr. S. SEPULVEDA
	Mr. R. VALERO
Mongolia:	Mr. D. ERDEMBILEG
	Mr. B. DASHTSEREN
	Mr. Z. ERDEMDO
Morocco:	Mr. M.A.A. KHATTABI
	Mr. A. BENKIRANE
Netherlands:	Mr. H.F. ESCHAUZIER
	Mr. E. BOS
Nigeria:	Mr. C.O. MOLLIST
	Mr. L.A. MALIKI
Pakistan:	Mr. K. AHMED
	Mr. T.O. HYDER
Poland:	Mr. W. MATORF
	Mr. K. ZYBYLSKI
	Mr. H. STEPOSZ
Romania:	Mr. I. DATCU
	Mr. C. MITRAN
	Mr. F. CHILIE
Sweden:	Mrs. A. MYRDAL
	Mr. A. EDELSTAM
	Mr. T. BENGTSON
	Mr. J. PRAWITZ

Union of Soviet Socialist Republics:	Mr. A.A. ROSHCHIN
	Mr. I.I. TCHEPROV
	Mr. L.A. NASTERKOV
	Mr. Y.C. NAZARKINE
United Arab Republic:	Mr. H. KHALLAF
	Mr. O. SIRRY
	Mr. Y. RIZK
United Kingdom:	Mr. I.F. PORTER
	Mr. J.T. MASEFIELD
	Mr. R. HOULISTON
	Mr. L.W. BOYES
United States of America	Mr. J.F. LEONARD
	Mr. A.F. NEIDLE
	Mr. W. GIVAN
	Mr. R.L. McCORMACK
Yugoslavia:	Mr. M. BOZINOVIC
Deputy Special Representative of the Secretary-General:	Mr. W. EPSTEIN

1. The CHAIRMAN (Sweden): We shall now continue the 475th plenary meeting of the Conference of the Committee on Disarmament which was postponed from yesterday. I declare the meeting open.

2. Before calling on the representative of Argentina, whose name was on the list of speakers yesterday, I wish to welcome the presence here today of Mr. Kutakov, Under-Secretary-General for Political and Security Council Affairs.

3. Mr. LEONARD (United States of America): We are also very pleased to note the presence here this morning of Mr. Kutakov, the United Nations Under-Secretary-General for Political and Security Council Affairs. We all understand that at the United Nations this distinguished visitor has followed our work, and we are very pleased that he is here today and is thus able to familiarize himself with the efforts and the accomplishments of this Committee.

4. Allow me to add that we very much regret that the meeting yesterday was interrupted and that the representative of Argentina was therefore unable to make his statement, which we are all looking forward to hearing this morning.

5. Mr. ROGACHEV (Union of Soviet Socialist Republics) (translation from Russian): We are very glad to welcome here among us Mr. Kutakov, the distinguished Under-Secretary. We regard your presence here in Geneva at this meeting of the Committee on Disarmament, Mr. Kutakov, as a mark of the interest taken by the Secretary-General of the United Nations in disarmament problems, since he meant you to attend our meeting here. We also regard it, Mr. Kutakov, as a sign of your own unflagging interest in these problems. We hope that your presence and your attendance at the debates which will take place here will help to strengthen your interest, and that of the Secretary-General and the United Nations as a whole, in these problems.

6. May I also associate my delegation with the regrets tendered to the distinguished representative of Argentina? We regard it as most unfortunate that events took this turn, and we ask him not to view that incident in an unfavourable light. We hope that the representative of Argentina will continue in the future to co-operate in this Committee's efforts to solve these problems, which are enormously important not only to the countries of those here present but to all mankind.

7. The CHAIRMAN (Sweden): I also wish from the Chair to express my regrets that the representative of Argentina was not able to make his statement yesterday, and I now invite him to do so.

8. Mr. ORTIZ de ROZAS (Argentina) (translation from Spanish): I am happy to know that the Committee is now resuming its normal tasks and that the procedural incident which arose yesterday is thus ended. I accept and am grateful for the apologies of the co-Chairmen and of yourself, Madam Chairman, because quite frankly I believe that they are justified and that the Argentine delegation and the whole Committee deserve them. I must say also that I am gratified that the interruption occurred, because it will enable Mr. Kutakov to hear the statement of the Argentine delegation, an advantage which otherwise he would not have enjoyed. I think I can now turn to the serious matters before this Committee.

9. My statement today, following an order of priority in relation to other subjects before this Conference, will be devoted exclusively to consideration of the draft treaty on prohibition of the emplacement of nuclear weapons and other weapons of mass destruction on the sea-bed and the ocean floor and in the subsoil thereof. My remarks will refer to the revised text (CCD/269/Rev.2) presented formally by the delegations of the United States of America and the Union of Soviet Socialist Republics on 23 April.

10. Before actually embarking on a detailed analysis of this question, I should like my first few words to testify to our gratitude for the efforts of the two co-sponsors to arrive at an understanding by combining their own interests and objectives with the proposals and suggestions made by various delegations both in Geneva and in the General Assembly of the United Nations. That is proof of the spirit of conciliation which guides the co-Chairmen and emphasizes the competence of our Committee as the principal negotiating body for disarmament.

11. The document is obviously a notable and encouraging advance on the earlier drafts (CCD/269 and CCD/269/Rev.1). In its basic parts it substantially resolves the points of most serious controversy, and gives us ground for hope that we are approaching the conclusion of a viable agreement on this subject. It is to be hoped that the genuine spirit of negotiation manifested so far will persist and that when the current session ends, we shall be able to put before the General Assembly at its twenty-fifth session a final draft which will command the approval of the Committee and thus obtain general support in it.

12. First of all I should like to express my delegation's satisfaction with the new wording of articles I, II and IV. The Argentine amendments to that part of the treaty have virtually been incorporated in full and the slight changes

(Mr. Ortiz de Rozas, Argentina)

introduced in article I are perfectly acceptable to us since they help to clarify certain aspects by relating them to a suitable legal procedure and to the aims and methods of the instrument.

13. I need not now go into detail on the reasons which prompted those amendments. They were explained by our delegation in the First Committee of the General Assembly (A/C.1/PV.1722, provisional, pp. 87-92) when we submitted working paper A/C.1/997. I will merely repeat here what we have said in earlier statements on this subject in this Committee (CCD/PV.445, para. 54) and in the First Committee of the General Assembly (A/C.1/PV.1695, provisional, p.13-15): that the disclaimer clause -- which has now become article IV of the draft -- would have been invalidated in practice if in the remainder of the articles controversial concepts in the law of the sea were resorted to unnecessarily. Thus it was necessary, in addition to including this clause, to amend articles I and II of the previous version of the document (CCD/269/Rev.1). We are gratified to note that the co-Chairmen accepted that approach when drawing up the revised text, since this will also facilitate our work on the remainder of the draft during the coming weeks.

14. We have no doubt that the incorporation of our amendments will make those articles a good deal more widely acceptable, since, as the Committee may remember, the original versions were criticized on many grounds in the First Committee of the General Assembly. Thus we believe that we have helped to ensure that the draft, at least in this respect, will be more favourably received in the international community.

15. I should like to refer now to article III. Here too we notice substantial progress which brings us nearer to a more acceptable formula. In the same constructive spirit in which we have always approached these negotiations, we believe it necessary to consider this article most thoroughly: first because of the importance we attach to the verification system in the context of any measure relating to disarmament and arms control; and secondly because these are the only provisions which authorize and regulate in detail certain activities of particular importance to the contracting parties and which in substance might be described as the "operative" rules of the treaty.

(Mr. Ortiz de Rozas, Argentina)

16. Because of the interests at stake, it is sensible that the careful drafting of those provisions should be an essential aspect of our work. In our opinion some paragraphs still require changes which will reflect more reasonably the approach that has been recognized by the co-Chairmen -- that is, to avoid raising irrelevant legal questions, and at the same time to adjust the draft to the amendments submitted by the delegation of Canada (A/C.1/992).

17. To begin with paragraph 1, we note that it introduces an incorrect idea in referring to the freedoms of the high seas. We do not believe that, to express the spirit of the draft, it is necessary to include a formula which is already clearly set out in the last preambular paragraph. We are convinced that verification activities should be carried out with the greatest efficiency, and we hope that in this respect the future treaty will be as clear as possible. But that is precisely what the present wording of the draft does not achieve. On the contrary, the mention of the freedoms of the high seas in the context of paragraph 1 leads to confusion and might elicit the same legal comments as those made on the earlier wording of articles I and II subsequently improved by the Argentine amendments.

18. It would therefore be better to delete those words from the paragraph, as the representative of Brazil, Mr. Saraiva Guerreiro, very properly suggested in his statement on 25 June (CCD/PV.473, para. 78). We should thus revert to the language of the working paper submitted by the delegation of Canada, which by omitting the reference to the freedoms of the high seas eliminates any possibility of legal controversy irrelevant to the purpose of the treaty.

19. I will now turn to paragraph 2 of article III. To allow States directly interested in inspection to participate in it, the draft refers to the "Parties in the region". This would avoid two kinds of difficulties.

20. First, a political solution is reached which side-steps any legal problem relating to the scope of certain rights that are much debated in the international community.

21. Secondly, various States are allowed to participate in cases where there are overlapping claims to certain sectors of the continental shelf. This wording is in fact a simple expedient to forestall situations which might otherwise cause some friction between the parties called upon to intervene in a verification procedure.

(Mr. Ortiz de Rozas, Argentina)

22. The solution, however, does not appear so appropriate when analysed from the point of view of the control system. Indeed, there is no doubt that the expression "Parties in the region", being polyvalent, introduces considerable uncertainty and leaves those States which are to effect the verification to decide exclusively how far the expression shall apply. True, this same paragraph tries to overcome this difficulty by opening the doors to "any other Party so requesting". But then another problem arises: how is a party which has not been informed of "such consultation and co-operation", and may feel itself arbitrarily excluded from the flexible notion of "parties in the region", to get notice of the proposed verification activities so that it can apply for participation in them? As the draft is worded, the only logical reply is that it will be able to learn about the situation through news media such as newspapers and the radio -- which of course is not exactly a suitable means or one to be recommended for a treaty of this kind.

23. It may be worth recalling that the Antarctic Treaty[1/], to which my country is a party, provides a machinery of inspection on the spot which has been used periodically since the treaty's entry into force; and that there exists for this purpose a procedure for the exchange of information which, because of the small number of the States parties, has worked perfectly. To back up our argument, we wonder how many States represented here have become aware through the news media of the decision of a State party to the Treaty to carry out the inspections it authorizes.

24. It is therefore necessary to spell out the scope of the draft as clearly as possible. We believe that this could be done by mentioning expressly the coastal State party to the treaty, so that the sentence would read, "Parties in the region of the activities, in particular the coastal State", the rest of the paragraph remaining unchanged. That would be more precise and the respective legal positions would in no way be prejudged, since the addition would operate in the political context of the notion of "parties in the region".

25. I would say further that the co-Chairmen's draft itself gives the coastal State, in its articles I and II, a privileged status for elementary considerations of security. The same reasons which justify the reservation of the twelve-mile zone to the coastal State are valid in this case. We fail to see how it can be

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1/ United Nations Treaty Series, Vol. 402, pp.71 et seq.

(Mr. Ortiz de Rozas, Argentina)

recognized that a State has certain special powers in that zone while at the same time another aspect of the draft disregards its legitimate interest in what could occur, for example, fifteen miles from its coast through the presence of nuclear weapons and other weapons of mass destruction. In short, to be consistent we should have to apply to these provisions of the treaty the criteria laid down in articles I and II.

26. Paragraph 6 of article III provides for the manner in which verification activities should be conducted. For this purpose it appears to reflect the provisions of the Geneva Convention on the continental shelf.[1/] I think I ought to reiterate here the undesirability of adhering to juridical formulae which are by no means generally upheld -- especially when they are employed partly for strengthening certain positions. The General Assembly's experience at its last sessio with the Geneva Convention on the Territorial Sea and the Contiguous Zone[2/] and its relation with this draft is very illuminating. Like that Convention, the instrument relating to the continental shelf has not obtained a representative number of ratifications; and it is therefore not difficult to foresee that the wording of this paragraph will be open to the same criticisms as were levelled in this connexion against the former articles I and II.

27. It must be borne in mind that quite recently the General Assembly, in its resolution 2574 A (XXIV), requested the Secretary-General --

> "... to ascertain the views of Member States on the desirability of convening at an early date a conference on the law of the sea to review the régimes of the high seas, the continental shelf, the territorial sea and contiguous zone, fishing and conservation of the living resources of the high seas".

In other words, we are faced with a process which seeks to make substantial amendments to the law of the sea. The rules governing the continental shelf will undoubtedly be carefully analysed, and it is not difficult to predict that the Geneva Convention will be thoroughly scrutinized with the aim of correcting those rules which have prevented its general acceptance by the international community.

1/ United Nations Treaty Series, Vol. 499, pp. 311 et seq.

2/ United Nations Treaty Series, Vol. 516, pp. 205 et seq.

(Mr. Ortiz de Rozas, Argentina)

28. We believe that the most desirable and appropriate thing to do would be to adopt a provision which, while recognizing the special legal status of the coastal State -- which is accepted to a greater or lesser degree by all countries -- would not reflect the provisions of any instrument in particular. The question cannot be settled in the context of the draft before us; consequently the most logical procedure would be to leave those details for other, future agreements governing the status of the continental shelf.

29. That solution is also the most appropriate if we remember the sound position taken by the representative of the Soviet Union, Mr. Roshchin, who in presenting the draft said —

> "This treaty is not intended to settle numerous issues of maritime law, to confirm or annul obligations assumed by States under other international agreements, or to anticipate any future solutions in this field." (CCD/PV.467, para. 21).

We of course agree entirely with that appreciation, but we cannot fail to point out, and to regret, that according to our interpretation the draft takes a definite position on this question. We therefore propose in paragraph 6 the deletion of the words "the natural resources of".

30. The last sentence of paragraph 3 omits -- quite properly, in our view -- the word "Party" which appeared in the Canadian working paper. Obviously, if the identity of the State concerned is unknown, one can hardly know whether it is or is not a party to the treaty. The present wording could, however, lead to error concerning its scope. At first sight the procedure provided in the draft is apparently applicable to Powers that do not sign the future treaty. If the inquiries referred to in paragraph 3 did not enable the identity of the responsible State to be determined, and it were not known until later when the verification procedures were started, the inspection could not continue unless the State were a party, for two reasons which we consider equally important: first, the provisions of the treaty would be res inter alios acta for that State; and secondly, exercise of the right conferred by the instrument could cause the very kind of international tension that the instrument is intended to avoid. We are sure that this was not the intention of the co-sponsors; but in fact the wording is not clear and we therefore see no need for retaining it in the draft, at least in its present form.

(Mr. Ortiz de Rozas, Argentina)

31. Lastly, paragraphs 3 and 5 of the Canadian working paper contained references to international procedures, including the good offices of the Secretary-General of the United Nations. No such references appear in the revised draft. This is a pity, since they were aimed at helping the large majority of States whose level of technological development would not enable them to undertake verification activities themselves. If the Canadian text raises difficulties for some delegations, there is nothing to preclude consideration of alternative formulas acceptable to all the States represented here.

32. The other novelty to be found in the draft text of the co-Chairmen is the new article VIII. We believe it was necessary to correct that omission, and we are gratified to note that the co-sponsors have accepted the proposal of the delegation of Mexico (A/C.1/995). That move was designed, most logically, to safeguard the obligations assumed in other instruments, for instance in the Treaty of Tlatelolco (ENDC/186), the scope of which is broader than that of the draft before us.

33. I have analysed article III in detail because I believe that the text still contains a number of defects which should be corrected. We should have wished other amendments to be made to the draft, but we shall refrain from mentioning them at this time because we share the view expressed by the representative of the United States, Mr. Leonard, that --

> "... there is a need at some point to distinguish between what is essential to the basic objectives of the treaty and what may be desirable but not indispensable from the point of view of various States." (CCD/PV.467, para 40).

34. We believe that the comments we have made represent a genuine effort to point out only those difficulties which are specially important to the Argentine delegation, and we trust that this will be duly taken into account by the co-sponsors. We know that there are no perfect treaties, and this one will undoubtedly be no exception; but we should at least strive to produce an instrument representing an acceptable balance between the interests of the States participating in our negotiations. We are convinced that our observations will help to concord positions

(Mr. Ortiz de Rozas, Argentina)

which, though they may at first glance appear divergent, none the less offer much latitude for understanding. My delegation is prepared, as always, to continue to collaborate enthusiastically in the search for solutions which will command the widest support for the document we are drafting.

The Conference decided to issue the following communiqué:

"The Conference of the Committee on Disarmament today continued its 475th plenary meeting in the Palais des Nations, Geneva, under the chairmanship of H.E. Mrs. Alva Myrdal, representative of Sweden.

"Statements were made by the Chairman and by the representatives of the United States of America, the Union of Soviet Socialist Republics and Argentina.

"The next meeting of the Conference will be held on Tuesday, 7 July 1970, at 10.30 a.m.".

The meeting rose at 11.45 a.m.

CONFERENCE OF THE COMMITTEE ON DISARMAMENT

CCD/PV.476
7 July 1970
ENGLISH

ADVANCE COPY
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FINAL VERBATIM RECORD OF THE FOUR HUNDRED AND SEVENTY-SIXTH MEETING

held at the Palais des Nations, Geneva,
on Tuesday, 7 July 1970, at 10.30 a.m.

Chairman: Mr. A.A. ROSHCHIN (USSR)

(Previous verbatim records in this series appeared under the symbols ENDC/PV.1-ENDC/PV.430).

GE.70-14615
70-35473

PRESENT AT THE TABLE

Argentina:	Mr. C. ORTIZ de ROZAS
	Mr. A.F. DUMONT
	Mr. V.E. BERASATEGUI
Brazil:	Mr. R.E. SARAIVA GUERREIRO
Bulgaria:	Mr. I. PEINIRDJIEV
Burma:	U CHIT MYAING
	U KYAW MIN
Canada:	Mr. G. IGNATIEFF
	Mr. R.W. CLARK
	Mr. R.E. MOORE
Czechoslovakia:	Mr. M. VEJVODA
	Mr. J. STRUCKA
	Mr. F. MARESKA
Ethiopia:	Mr. A. ZELLEKE
	Mr. G. ALEMU
Hungary:	Mr. J. PETRAN
	Mr. I. SARKADI
	Mr. F. GAJDA
India:	Mr. M.A. HUSAIN
	Mr. N. KRISHNAN
	Mr. K.P. JAIN
Italy:	Mr. R. CARACCIOLO
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	Mr. R. BORSARELLI
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	Mr. E. BOS
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	Mr. H. STEPOSZ
Romania:	Mr. I. DATCU
	Mr. C. MITRAN
	Mr. N. CHILIE
	Mrs. F. DINU
Sweden:	Mrs. A. MYRDAL
	Mr. A. EDELSTAM
	Mr. T. BENGTSON
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Union of Soviet Socialist Republics:	Mr. A.A. ROSHCHIN
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	Mr. Y. RIZK
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	Mr. A.F. NEIDLE
	Mr. W. GIVAN
	Mr. R.L. McCORMACK
Yugoslavia:	Mr. M. BOZINOVIC
	Mr. M. VUKOVIC
Deputy Special Representative of the Secretary-General:	Mr. W. EPSTEIN
Under-Secretary-General for Political and Security Council Affairs:	Mr. L. KUTAKOV

1. The CHAIRMAN (Union of Soviet Socialist Republics) (translation from Russian): I declare open the 476th plenary meeting of the Conference of the Committee on Disarmament.

2. Mr. VEJVODA (Czechoslovakia): First of all let me join all the speakers who, at our last meeting, welcomed to our midst Mr. Leonid Kutakov, the Under-Secretary-General of the United Nations. We all know that our Committee is not the only international organ which is involved in disarmament negotiations. Disarmament is one of the main items on the agenda of the General Assembly each year and the greatest part of the work of its First Committee is devoted to it. The Secretary-General regularly gives great attention to disarmament issues in his annual report and the introduction to it. The Department which helps him in drafting the annual report and considering various initiatives in the disarmament field is the Department for Political and Security Council Affairs, which is headed by Mr. Kutakov. In his presence here we see the unceasing interest of the Secretary-General in disarmament and in the work of our Committee.

3. Like other delegations, we have made full use of the recess for a comprehensive and thorough examination of the revised text of the draft treaty on the prohibition of the emplacement of nuclear weapons and other weapons of mass destruction on the sea-bed (CCD/269/Rev.2), to which we should like to devote our intervention today.

4. In our study of the draft treaty we proceeded not only from the text itself but also from the explanations given to us by the co-Chairmen during the presentation of the draft on 23 April (CCD/PV.467). At the same time due attention has been paid by us to the comments on, and proposals for alterations of, the previous texts (CCD/269 and CCD/269/Rev.1) of that draft treaty made by individual countries not only in this Committee but also at the United Nations during the twenty-fourth session of the General Assembly, and on other occasions as well. We have also considered the draft from the point of view of the political and military situation in the world as well as from that of the increasing danger of the possibility that the direct practical seizure of the sea-bed and the ocean floor for military purposes will be made ever easier by the advancement of science and technology.

(Mr. Vejvoda, Czechoslovakia)

5. That last aspect, whether we like it or not, makes it urgent for us to adopt speedily effective measures to prevent the possible extension of an arms race to the vast areas of the sea-bed and the ocean floor, especially in the field of nuclear weapons and other weapons of mass destruction. By the adoption of the proposed treaty mankind would take a big though only a first step towards the complete demilitarization of the sea-bed and the ocean floor. This would mean a victory for the idea of the preservation of peace in the whole world and for the tendency towards the gradual relaxation of international tension, as well as a victory for the efforts of mankind to promote and strengthen peace and friendly relations among all the countries of the world. It is therefore necessary to view the draft treaty as an important instrument in the endeavours of nations to achieve a relaxation of international tension.

6. Judging the draft as a whole, we consider it to be a document which takes account to the maximum extent of the positions of a wide range of States. It might be remembered that Argentina, in co-operation with other delegations, made a significant contribution to the formulation of articles I, II and IV. Other delegations contributed to the final wording of article III. Authorship of article VIII has already been rightly attributed to Mexico by some delegations here, and the co-operation of almost all the delegations in our Committee is reflected in the provisions of the remaining articles of the draft treaty. The official sponsors of the draft treaty, our co-Chairmen, succeeded in complying with the wishes of individual delegations to such an extent that the document submitted can be looked upon as the common work of the Committee.

7. It was not possible, of course, to include in it every suggestion, however well-intended. In this respect there exist here certain concrete limits. After all, it would not be realistic, especially as far as multilateral international treaties are concerned, to demand that they should correspond in every respect to the views of all participants. We know also from our own experience that many treaties adopted in the past, though not satisfactory to every single delegation which participated in their drafting, have successfully stood the test of time. One such treaty quite recently celebrated the forty-fifth anniversary of its birth.

(Mr. Vejvoda, Czechoslovakia)

8. Therefore, in the view of the Czechoslovak delegation, when one examines the draft treaty submitted, it is necessary to realize what is decisive in it and what is the main objective of the measures envisaged by it. It is also most desirable that the treaty should not try to solve problems which do not correspond fully with its objectives and which we know all too well are too complicated and would endanger its adoption.

9. In the light of those fundamental criteria we consider the draft treaty submitted to be an important step towards the objective we have been pursuing in our deliberations on this subject from the very beginning. Most important in this respect are the provisions of articles I and II, determining the main obligations of the parties to the treaty as well as the zone within which these provisions should be observed. We should like to express our satisfaction that the text of the two articles is now clearly and unambiguously formulated.

10. Most of the comments and proposals for alterations put forward by individual delegations have been directed to the question of control, that is, article III of the draft treaty. As we have already recalled, the provision of article III of the new draft of the treaty is based on suggestions from many delegations. For instance, there has been incorporated in it the provision, supported also by the Czechoslovak delegation, under which the request for securing the necessary co-operation concerning the assertion of the right of control by all States parties can be directed to the Security Council. In this connexion we welcome the explanation of the sponsors of the draft treaty to the effect that each party to the treaty will have the right to approach the Security Council directly, irrespective of whether or not it had availed itself of the possibility of consultation.

11. We should like now to touch upon some remarks made at our most recent meetings. How difficult it was for the sponsors of the draft treaty to take all suggestions into account can be seen from the following example. The representative of Brazil, Mr. Saraiva Guerreiro, said on 25 June:

> "If the intention of the co-sponsors is to avoid any innovation in the law of the seas, it seems that there is no need for including in paragraph 1 of article III a reference to freedom of the high seas, or perhaps no need for paragraph 1 of article III at all." (CCD/PV.473, para.78).

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But the co-Chairmen amended the original draft by the use of the words "including the freedoms of the high seas", on the basis of suggestions made by some delegations at the twenty-fourth session of the General Assembly. With that addition the text of the paragraph under consideration is acceptable to most of the delegations in the Committee. The representative of Sweden, Mr. Edelstam, in his intervention on 25 June said, when referring to this -- though in another context:

> "Such a provision could, in our opinion, not be judged as an infringement of the principle of the freedoms of the high seas, expressly referred to in the first paragraph of the same article." (Ibid., para.54)

From some other examples, too, we can see that some suggestions, though essentially well-intended, are not necessarily acceptable to other participants in the deliberations.

12. In connexion with article III, concerning control, as early as the spring of last year a number of delegations proposed that verification could be carried out also through an appropriate international agency. We have very high esteem for the work of the present international agencies and secretariats, but it seems to us that all too often we hear suggestions that this or that problem should be solved by the setting up of some international body. Is there any need for that in the present case? Does such a situation really prevail in the world that parties to a treaty must have a permanent arbiter to keep an eye on compliance with the treaty? Let us look at the problems that usually arise in connexion with the establishment of any international body.

13. First, there is the question of its composition. Countries parties to the treaty would like to have an absolute guarantee -- and they are fully entitled to one -- that they would be adequately represented in such a body. In addition, countries which are not Members of the United Nations could also adhere to the treaty. Those countries too would like to be represented in that body, and should of course be represented.

14. There are other questions which arise. Could it be expected that complaints regarding violations of the treaty would be coming in every day and that the agency or secretariat would therefore be busy all the time? In our opinion, there is no one here who would expect that the treaty under consideration would give rise to frequent problems. We know of cases where, very often, the so-called Parkinson's Law operates. If we do set up an organ, it will find work to do and will feel it

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necessary to justify its importance, and it will continue to grow. We are, of course, speaking only theoretically, but let us admit that this happens on the national as well as the international scale.

15. In the specific case of the treaty we are now discussing, the international secretariat would have to be technically well equipped in order to be able to carry out the controls. It would need to have technical personnel and equipment requiring continuous modernization, which is very expensive. Furthermore, all the nuclear Powers which, we hope, would become parties to the Treaty and would be obliged to provide all assistance for the purposes of control, possess all that is needed in that respect. Some may say that an international secretariat or agency would not need all this, and that, should it prove necessary, it might ask some nuclear Power to lend its instruments and technical personnel. But that could be done by the Security Council if the consultations between States should prove ineffective.

16. Closely connected with this is the problem of whether there should be mention in the treaty of some role for the Secretary-General. If he is to serve only as a "letter-box", as some delegations suggest, then reference to him in the text of the treaty is quite unnecessary; the role of the arbiter would then be performed by the Security Council, as the text of the treaty clearly specifies. Finally, an international body formally headed by the Secretary-General would, as we have already shown, be unnecessary. The duties of the Secretary-General are laid down in Article 97 of the Charter and he has his position in the Security Council under Articles 98 and 99 of the Charter. It is unnecessary, therefore, to make any special reference to the role of the Secretary-General in the treaty under consideration. It is also unnecessary to deal with the detailed determination of the role of the Security Council. The Security Council itself would certainly consider in good time all the duties that would be incumbent upon it as a result of the entry into force of the treaty, as it did in the case of the Treaty on the Non-Proliferation of Nuclear Weapons (ENDC/226*).

17. There is another question which we should like to mention. The opinion has been expressed here that some future international machinery for the exploration and exploitation of the sea-bed could be linked to the verification of the treaty we are now considering. In our opinion, problems connected with the demilitarization of the sea-bed cannot be combined with problems concerning its peaceful exploitation. The nature of the former is quite different from that of the latter, and countries will proceed to the solution of these problems from completely different positions. As is known, disputes in military affairs, when the security of nations may be involved, are of quite a different sort from those in which essentially only economic matters are involved. Let us leave to everyone what is his.

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18. As for articles IV and VIII, the Czechoslovak delegation expresses its full support for both.

19. Many delegations have dealt also with the third paragraph of the preamble. The Czechoslovak delegation has fully expressed its position on that paragraph in previous statements, and our position has not changed.

20. Finally, we should like to say a few words concerning suggestions and proposals for alterations, amendments or changes of the text of the draft treaty which have been made, certainly in good faith, by some delegations. We know full well how difficult it is to make the slightest change. The co-Chairmen, as well as most other members of the Committee, have to set in motion, before any alteration is made, rather complicated machinery whose operation is usually lengthy and time-consuming. Would it pay to waste another year only in order to carry out several alterations to the draft, after which, I am sure, demands would emerge for further alterations, since no treaty can at the time of its formulation fully and perfectly meet all suggestions and views?

21. It is only right that the Committee should approach this task with the responsibility and thoroughness so characteristic of its work. The existing situation is favourable for the conclusion of the treaty, and if we lose much time the situation may change to such an extent that the treaty on the prohibition of the emplacement of nuclear weapons and other weapons of mass destruction on the sea-bed may come too late. In saying that, we do not wish to imply that all suggestions and remarks made here would be completely wasted. The draft treaty states in its article VI that a conference of participating countries shall be convened five years from the date on which the treaty enters into force, in order to consider how the provisions of the treaty and the objectives laid down in the preamble are being observed. It would be far better to adopt the treaty with its present wording and to gather experience while it is in operation. On the basis of all such experience it would then be possible to return to all the suggestions recorded in the proceedings of our Committee and to consider them in the light of that experience, and to consider also all other problems which practice might reveal and which we might not foresee in our speculations and thinking. We are therefore of the opinion that it would be better to have a treaty operating for the next five years, even though some may not be quite satisfied with every word of it, and to verify how it functions in practice, than to delay the adoption of a treaty for another year, or for some years, by putting forward more and more new suggestions and amendments.

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22. Judging the draft treaty from the point of view of international law, as well as from the point of view of our internal legislation, the Czechoslovak delegation considers it to be a document which deserves the full support of our Committee as a whole, and joins those delegations which consider the draft as it now stands as sufficiently comprehensive and fully acceptable.

23. In conclusion, may I be permitted to offer our all-round co-operation to the new representatives in the Committee; the leader of the Bulgarian delegation, Ambassador Petrov, and the leader of the Japanese delegation, Ambassador Tanaka, whom we welcome to our circle. We are also glad to see among us again after a short absence Ambassador Erdembileg of the Mongolian People's Republic and Ambassador Castañeda of Mexico.

24. Mr. CASTANEDA (Mexico) (translation from Spanish): First of all, as other delegations have done, I should like to express our satisfaction at seeing new representatives among us. I am referring especially to Ambassador Petrov of Bulgaria -- although he is not here today -- to Ambassador Tanaka of Japan and Ambassador Saraiva Guerreiro of Brazil. At the same time I avail myself of this opportunity to express thanks to all those representatives who on previous occasions have been kind enough to welcome me and my colleagues.

25. Today I wish to refer to the new draft treaty on the prohibition of the emplacement of nuclear weapons on the sea-bed and the ocean floor (CCD/269/Rev.2) submitted jointly by the United States and the Soviet Union on 23 April. On this occasion I shall consider certain general aspects of the treaty, including the scope of its prohibition; and in a subsequent statement I shall analyse some of its provisions in detail.

26. When the negotiation of the treaty began last year, all the members of the Committee on Disarmament except the United States and the United Kingdom showed their clear preference for a treaty which would promote the total demilitarization of the sea-bed and the ocean floor rather than one which would only prohibit the employment of nuclear weapons. A multitude of reasons were advanced, some of which appeared to be almost axiomatic, to explain why that domain, hitherto free of armaments, should remain completely demilitarized. Of course the need was recognized for States to be able to emplace on the sea-bed or the ocean floor certain devices -- such as sonar devices to detect submarines -- which have only an indirect and passive military character. However, apart from those logical exceptions, a very large majority of the members of the Committee were in favour of demilitarization and not of mere denuclearization of the sea-bed and ocean floor.

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27. Shortly thereafter — in October last year — the United States and the Soviet Union submitted jointly a first draft treaty (CCD/269). That draft was a profound disappointment to us, since by prohibiting only the emplacement of nuclear weapons it indirectly but indubitably permitted the general militarization of the sea-bed and the ocean floor. I assume that it was also a disappointment to many States which before this agreement had repeatedly and categorically stated that a partial treaty such as this appeared to them unsatisfactory.

28. We have thoroughly examined the arguments adduced in justification of a treaty providing only for the denuclearization of the sea-bed. With all due respect but quite candidly, we confess that we find such arguments hardly persuasive and even contradictory. It has been said that because of enormous technical difficulties and high costs the emplacement of conventional weapons on the sea-bed is inconceivable, so that in practice it matters little whether they are prohibited or not. But if that is the case, what difficulty is there in prohibiting the emplacement of all weapons? Perhaps today it may not be profitable to emplace conventional weapons on the sea-bed or the ocean floor, but at some time in the future it very probably will be, as technology develops and progresses. We fail to understand why, if the matter is indeed of minor importance, the wishes of the large majority of States are not met.

29. On the other hand, it has been argued that conventional weapons could not be prohibited because of the enormous difficulties of verifying and controlling compliance with the prohibition. Furthermore, it has been asserted that violation of the treaty by one State would engender serious risks for the others. If that is true, we should have to agree that prohibition of the emplacement of such weapons is indeed important and by no means negligible. Thus this second argument, which also is often adduced, contradicts the first.

30. In the third place, the need is adduced, owing to the existence of submarine fleets, to instal on the ocean floor devices such as sonar and other listening and monitoring instruments. That justified need can be readily recognized. During last year's debates we proposed, together with others, a perfectly feasible solution: that the general principle of prohibition of the emplacement of all kinds of weapons on the sea-bed and the ocean floor should be enacted, and that in the following article we should either define succinctly or enumerate the devices and activities which should not be deemed to be included in the general prohibition because they were not weapons

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or because they had a purely indirect or passive military character. It did not seem improbable that the two States mainly concerned might agree together on that list or definition, and that after five years the conference to review the treaty might re-examine the situation. I venture to observe that neither in last year's debates in the Committee on Disarmament, nor in the General Assembly, nor in the debates here this year, have we heard a single reply to that suggestion -- submitted in good faith by several States for the purpose of finding a solution satisfactory to all -- that would explain why it is unacceptable.

31. The fourth reason adduced is that in the last analysis a partial treaty of mere denuclearization is only a first step; and it is added that expansion of the treaty can be proposed at any time, particularly in the review conference. But if that is true, and if in fact there is no intention to close the door for ever to a more comprehensive prohibition of the emplacement of all kinds of weapons on the sea-bed or the ocean floor, frankly we do not understand why the two great Powers refuse to assume at least the obligation to continue to negotiate in future the expansion of the scope of the treaty. Those two positions also appear to us contradictory.

32. Of course, there is always the supreme argument that the best is the enemy of the good and that a limited and partial treaty is better than no treaty at all. However, if that reason is to be convincing and persuasive, then we have to overlook altogether that the exclusive prohibition of the emplacement of nuclear weapons is tantamount to permitting -- I would even say, to encouraging -- a non-nuclear armaments race in a domain that has hitherto been free from these. It can be foreseen -- as historical experience clearly shows -- that this permission, no less clear because implied, points to the principle of competition, not only between the great Powers but also between middle-sized countries, to use the sea-bed and the ocean floor for non-nuclear military purposes. Total prohibition, on the other hand, would undoubtedly put an end to that competition.

33. In fact, prohibition of the emplacement of only nuclear weapons on the sea-bed or the ocean floor would in practice mean nothing to the huge majority of non-nuclear States: first because they cannot emplace what they do not possess; and secondly because many of them have undertaken and others will undertake in the future, under the Treaty on the Non-Proliferation of Nuclear Weapons (ENDC/226*), never to possess them. Thus the present treaty would prevent them from doing something which in any

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event they could not do, either physically or legally. In truth, the prohibitions contained in this draft treaty are not directed at the huge majority of non-nuclear States. This instrument, by its very nature, is not a true multilateral treaty but a bilateral or at most a trilateral treaty.

34. It is true that in principle there would be no objection to associating ourselves with the partial prohibition that the United States, the Soviet Union and the United Kingdom are imposing on themselves; except that in doing so we should be contributing to frank authorization of the non-nuclear militarization of the sea-bed and the ocean floor. The United Nations General Assembly has already declared categorically that the resources of the sea-bed and the ocean floor may be exploited beyond national jurisdiction only for peaceful purposes. What happens, I ask, to the principle of exploitation of resources for peaceful purposes in face of the implied authority given by the new treaty for the military use of the sea-bed and the ocean floor? Have we already renounced that principle? Are we prepared to derogate from it?

35. I know full well that it is vain to aspire to ideal and perfect solutions, and that we must not disregard international realities or avoid their consequences. We are fully aware also that an agreement between the United States and the Soviet Union on a matter of paramount importance such as this is an international reality of the first magnitude which its weight imposes on all the members of the world community. We recognize that reality, but do not thereby accept it as good. That is not our responsibility. All States, or at least all groups of States in the Committee on Disarmament have different functions to fulfil. It is the duty of the two greatest Powers to seek the point at which their interests converge, which means to show realism. On us small and medium-sized Powers, especially in the group of twelve non-aligned countries in the Committee on Disarmament, devolves rather the task of considering whether the proposals coincide with the interests of the majority of States -- in other words, of the international community as a whole. If we do not discharge that function for the sake of political realism, we shall fail to carry out the task which specifically devolves on us in the Committee on Disarmament and gives meaning to our participation in it. For that reason we feel it our duty to underline the risks which the draft treaty entails for the international community, apart from the fact that it is an agreement between the two Powers capable of using the sea-bed and the ocean floor for military purposes and as such means something positive.

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36. We shall endeavour, then, to shape our course between those two extremes. Without disregarding the importance of the agreement arrived at between the Soviet Union and the United States, we shall attempt to suggest the smallest changes in the draft treaty which seem to us compatible with the interests of the many non-nuclear States. The best and most logical way of achieving that purpose would, of course, be to revert to the initial idea of the large majority of the members of the Committee — in other words, total demilitarization. We realize, however, that the agreement arrived at makes this impossible; and so we shall not propose it. However, although we cannot yet agree on the total demilitarization of the sea-bed and the ocean floor, at least we ask for a formal declaration that the mere denuclearization which has been agreed so far is in fact but a first step, is only temporary, and that the two great Powers will continue to negotiate in good faith with a view to agreeing eventually on a more complete demilitarization of the sea-bed and the ocean floor.

37. We are not proposing, of course, that they should assume the obligation to agree; no one can be compelled to do that. But we ask them to assume the obligation to attempt in all seriousness to do so. It is not a very heavy obligation; it is a limited one. But at least it must be clearly and categorically stated in an article, as it was in the Treaty on the Non-Proliferation of Nuclear Weapons of 1968. It is not enough to hint at that obligation in more or less ambiguous terminology in the preamble. If there is the intention to comply, then there is no reason why anyone should oppose its insertion in a legal provision of the treaty. If there is no intention to undertake such negotiations, then it is almost pointless to refer in the preamble to the good will which inspires the great Powers. Sweden has proposed a concrete formula giving effect to this concept which appears to us fully satisfactory. For the present it would be idle for me to go into further detail.

38. Another indispensable amendment would provide to the largest degree possible for concerted international, especially multilateral, action to strengthen the control and inspection machinery of the treaty. The co-Chairmen incorporated in their second version part of the Canadian proposals, but omitted the reference to the good offices of the Secretary-General of the United Nations. It appears to me desirable to provide for action by United Nations bodies as necessary, through some perhaps rather more general form of words. My delegation was not entirely satisfied with the reference to the "good offices" of the Secretary-General. The expression "good offices" has a technical connotation in international law: it is a means for the peaceful settlement of disputes. But what we are seeking is not always action by the Secretary-General for the settlement

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of an actual dispute, but rather that this officer shall assist a State which lacks the means to carry out by itself a costly and difficult inspection when a suspicious event has occurred on its coast. It would therefore be preferable to refer in more general terms to the action of United Nations bodies, which would include action both by the Secretary-General — whether good offices or not — and by the Security Council under article III of the treaty.

39. As I have said earlier, I shall analyse in detail in a subsequent statement some of the provisions of the treaty.

40. Mr. KHALLAF (United Arab Republic): I should like to begin my statement by expressing our pleasure at welcoming among us Ambassador Tanaka of Japan and Ambassador Petrov of Bulgaria, and also at welcoming back Ambassador Erdembileg of Mongolia and Ambassador Castañeda of Mexico, whose distinguished contribution is greatly appreciated by all of us. I wish also to express our pleasure at the presence of Mr. Kutakov, the United Nations Under-Secretary-General for Political and Security Council Affairs.

41. Among the various important and urgent topics on our agenda the sea-bed treaty is obviously the ripest for immediate action. It would be both advisable and opportune for us to seize the momentum and push forward with our work so as to be able to fulfil the mandate given to us by the General Assembly and to submit to it at its next session a draft treaty capable of enlisting the widest possible support. This would also clear the way for the Conference to concentrate on other, and perhaps more complex and fundamental, measures of arms control and disarmament.

42. Through the successive stages of the joint effort of the co-Chairmen in presenting a draft treaty on the sea-bed we have become convinced that the ultimate success of this endeavour will depend upon the extent to which the text does not prejudice the legal position of States on questions relating to the law of the sea, and upon what reasonable opportunity it will afford to all States to apply the system of verification while at the same time protecting them against the possibility of abuse. The co-authors, in their last text (CCD/269/Rev.2), have gone a long way towards meeting those requirements — a worthy and not at all an easy task, which we greatly appreciate. Several proposals and suggestions put forward both here and in the First Committee by a number of delegations, including the delegation of the United Arab Republic, have been fully or partially incorporated in the text. We are particularly gratified that the disclaimer clause is now provided for in a separate article, and that the text now clearly defines the maritime

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zone exempted from the prohibition as a twelve-mile zone. Those were among the suggestions which we made in our statement on 23 October last year (CCD/PV.445, para. 120).

43. The present draft, as revised, nevertheless leaves open certain questions to which I now wish to address myself. In embarking on such an endeavour I wish to be guided by our common objective, that is, to present to the next session of the General Assembly a draft treaty capable of enlisting as wide international support as possible. To achieve that end I believe we have a collective responsibility.

44. I should like to begin by joining with others in urging the co-authors to agree to incorporate in the provisions of the treaty a pledge to pursue further negotiations on a more comprehensive prohibition of the use of the sea-bed for military purposes. The Swedish working paper (CCD/271) has given expression to the position of a number of delegations in this Committee on that point, and was widely supported during the disarmament debate in the First Committee at the last session of the General Assembly. The inclusion of such a pledge among the provisions of the treaty would accord with the general principle enunciated in the preamble to the draft treaty, where the States parties to the treaty would express their conviction "that this Treaty constitutes a step towards the exclusion of the sea-bed, the ocean floor and the subsoil thereof from the arms race", and their determination "to continue negotiations concerning further measures leading to this end".

45. From those words of the preamble to the draft it becomes clear that the importance of the treaty does not lie solely in the commitment by States parties to the treaty to refrain from emplacing nuclear weapons on the sea-bed, but lies also in the fact that it would initiate a process of demilitarization which would grow parallel with man's exploration and exploitation of the sea-bed for peaceful purposes. The insertion of a pledge to pursue further negotiations for a more comprehensive prohibition would therefore be in response to this generally-sought objective. In this connexion I should like to quote from your statement, Mr. Chairman, on 23 April in which you said:

> "This new international agreement can and must become an important stage towards the next step, which will completely exclude the sea-bed and the ocean floor from the sphere of the arms race. It will help to create more favourable conditions for working out and reaching agreement on further measures designed to bring about the end of the arms race and disarmament." (CCD/PV.467, para. 5)

Mr. Yost, speaking on behalf of the United States in the First Committee at the last session of the General Assembly, said:

> "I have stressed that the present draft sea-bed treaty constitutes a limited step but one that is worth while. I need scarcely add that prospects for further

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measures of arms control relating to the sea-bed would not be foreclosed by the present draft treaty." (A/C.1/PV.1691, provisional, p. 22)

What many of us seek here is, in fact, no more than the transference of that idea to the provisions of the treaty, for its future realization.

46. In addition to that, the delegation of the United Arab Republic wishes to support the suggestion made on behalf of the Polish delegation by Mr. Zybylski at the meeting of the Committee on 18 June — namely, to keep on the agenda of the Conference the question of the demilitarization of the sea-bed (CCD/PV.471, para. 9).

47. The revision of the draft has been most substantial in article III. The efforts of the co-authors in this respect have been widely appreciated in this Committee. Two main points, however, still call for comment.

48. The first deals with verification procedures. At the outset, I think we can agree on the importance of maintaining a distinction between questions which are related to and, indeed, are discussed within the framework of the Committee on the Peaceful Uses of the Sea-Bed, and those which are related to verification of the sea-bed treaty. I have in mind in particular the question of establishing international machinery in connexion with international co-operation in the peaceful uses of the sea-bed. The United Arab Republic has made known its views on this question in the sea-bed Committee and in the First Committee of the General Assembly. In our view it would be advisable not to mix the concept of international machinery for peaceful purposes with verification aspects of the sea-bed treaty, at least at a stage when work on the disarmament aspect and work on the aspect of peaceful international co-operation concerning the sea-bed are still proceeding in parallel currents and have not merged into one single stream.

49. Thus, confining ourselves to the verification aspect of the present sea-bed treaty, members of the Committee will recall that the United Arab Republic, together with other delegations, has striven to insert in the present draft a provision which allows for verification through an appropriate international agency or arrangement, when that becomes feasible. It has been our hope that such a broad formula, which leaves the door open for the future evolution of any appropriate international arrangement, would prove acceptable to the co-authors. However, we are all well aware that this has not been the case. If such a position still prevails, we continue, nevertheless, to hope that the idea will be favourably considered by the review conference.

50. Furthermore, there can be no doubt as to the right of States parties to the treaty to avail themselves of existing possibilities under the United Nations Charter to seek compliance with and strict application of the treaty.

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51. I turn now to a particular point raised by my delegation in my statement on 23 October 1969, in which I commented on the first revised draft. In dealing with the stage of consultation and co-operation provided for in article III, I concluded by saying that:

"Although this provision may be of some benefit, nevertheless we believe that on practical grounds we should not overestimate the service it could render, especially in circumstances where relations between States do not allow for its normal implementation." (CCD/PV.445, para. 132)

52. When introducing the second revised text of the draft treaty on 23 April, the Soviet representative — you yourself, Mr. Chairman — and the United States representative referred to that particular point, and I wish to quote what they stated on that occasion. Mr. Roshchin said:

"In referring to verification of compliance with the treaty, we realize that cases may arise in practice in which one or other State party to the treaty, for various political reasons connected with its relations with other countries and the international situation as a whole, will be unable to enter into the consultations provided for in article III of the draft treaty. We therefore think it should be made clear that the consultation among States parties to the treaty, provided for in article III, paragraph 2, with a view to removing possible doubts regarding compliance with the treaty, is not of course a prerequisite for the exercise by States parties of their right under paragraph 4 of the same article to refer the matter to the Security Council, in accordance with the provisions of the Charter of the United Nations, where there are serious grounds for doing so. Consequently, any State party to the treaty may apply directly to the Security Council without resorting to consultations". (CCD/PV.467, para.14)

On the same point Mr. Leonard stated:

"The procedures provided for in article III do not, of course, prejudice or limit the right of any State to apply directly to the Security Council in accordance with the provisions of the Charter of the United Nations." (Ibid., para.33)

Mr. Ignatieff referred on 28 April to those statements and said:

"We have also noted with interest and are in agreement with the statements made by the co-Chairmen concerning the right of direct access to the Security Council in the context of article III of the treaty." (CCD/PV.468, para. 5)

And Ambassador Vejvoda, the representative of Czechoslovakia, has just expressed the same opinion in his lucid statement.

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53. We appreciate the statements of the representatives of Canada and Czechoslovakia and are gratified to note the authoritative interpretation given by the co-authors of the draft treaty, who are at the same time permanent members of the Security Council. It is in fact an expression of the established right of Member States under the United Nations Charter to bring to the attention of the Security Council any dispute or any situation which might lead to international friction. When recourse is had to the Security Council in such circumstances under the treaty, the Council would naturally act in such a manner as to help and facilitate the fulfilment of the successive stages of the verification process provided for in article III.

54. I wish, further, to point out that the sea-bed treaty cannot operate in isolation. It would operate within the context of the prevailing law. Consequently the operation of the treaty and the invoking of some of its provisions would be influenced by the whole system of international law.

55. On the other set of questions related to verification, namely those regarding the rights of coastal States beyond the maritime zone, I wish once again to commend the co-authors for the fact that the text is markedly improved in this respect. We believe, however, that a further attempt to insure the coastal State against any abuse of the verification procedures occurring in areas where it has sovereign or security rights, particularly on its continental shelf, would indeed induce many States to participate in the treaty.

56. I now wish to offer some comments on other provisions of the revised text, for the consideration of the co-authors. Article I, paragraph 2, was added in the first revised text (CCD/269/Rev.1) to assert that the prohibition extends to the maritime zone, with the exception of the coastal State. We notice, however, in the second revised text (CCD/269/Rev.2) the addition of some other words, namely "either ... or to the sea-bed beneath its territorial waters". Those words were properly used in the working paper submitted by Argentina (A/C.1/997) to propose a different scope for the exemption from the prohibition. Taken in the context of the present draft, however, they may introduce an element of ambiguity as to the limits of the prohibition and the exemption therefrom, and they certainly do not contribute to the clarity of the text.

57. On another score, article VIII of the draft is new. It is a welcome addition, and credit for it goes initially to Mexico. It seeks to assert that the obligations assumed by the States parties to the treaty under other legal instruments establishing zones free from nuclear weapons would not be affected by the sea-bed treaty. We feel

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that this provision should also be expanded so as to assert that the treaty would equally not affect the obligations of States under other legal instruments on nuclear disarmament or arms control. We have in mind particularly the non-proliferation Treaty (ENDC/226*). It may not have been necessary to make such an observation in the absence of the present article VIII, but the insertion of that article raises the question whether or not other treaties related to nuclear arms control could be affected by the sea-bed treaty. Naturally those treaties would be unaffected; but since the question has been raised it may be wise to leave no ambiguity about the answer.

58. In conclusion, I wish to express the hope of my delegation that the co-authors may find it both possible and indeed desirable to point in the preamble to the positive and direct impact which the sea-bed treaty would have on the promotion of the exploration and the exploitation of the sea-bed for peaceful purposes. Once again I wish to quote from the statement of Mr. Roshchin of 23 April:

> "Discussion of the draft treaty in our Committee and in the General Assembly has convincingly demonstrated that great importance is attached throughout the world to excluding the vast expanse of the sea-bed and the ocean floor, which constitute two-thirds of the earth's surface, from the sphere of the nuclear arms race. The solution of this problem has now become a vital and urgent matter because of the spectacular scientific and technological discoveries which have made it possible to begin the practical exploitation of the sea-bed and the ocean floor." (CCD/PV.467, para. 3)

Other delegations have expressed similar views. It should be appropriate and, it is to be hoped, will be possible to reflect this fact in the preamble to the draft treaty.

59. The CHAIRMAN (Union of Soviet Socialist Republics) (translation from Russian): I should now like to speak as representative of the Soviet Union.

60. In my statement today I shall deal with the prohibition of the emplacement of nuclear weapons and other weapons of mass destruction on the sea-bed and the ocean floor. The three weeks that have elapsed since the resumption of the present session have shown that members of the Committee clearly desire to complete the preparation of the draft treaty at this session of the Committee so that the draft can be submitted to the United Nations General Assembly at its twenty-fifth anniversary session. We fully share that desire.

(The Chairman, USSR)

61. I should also like to say that, as the discussion in the Committee has indicated, the changes that have been made and the revised draft treaty of 23 April (CCD/269/Rev.2), on the whole, have the approval of the members of the Committee. A number of delegations have, however, put forward comments and amendments relating to the draft. Some of these were submitted earlier, at previous sessions of the Committee and at the twenty-fourth session of the General Assembly, while others are being advanced for the first time. Our general impression is that, although some of these proposals concern fairly important matters of principle, they do not affect the essence of the treaty.

62. Thus, some delegations are still pressing for the inclusion in the article on verification of a provision concerning international procedures and the good offices of the Secretary-General of the United Nations. The Soviet delegation would like to explain why it cannot accept that proposal.

63. As to the provision on international procedures and the good offices of the Secretary-General which has been suggested for inclusion in the sea-bed treaty, we should like to stress first of all that our opposition to the proposal is, of course, in no way connected with our attitude to the individual who now heads the United Nations Secretariat — the Secretary-General of the United Nations — whom we hold in high esteem. The sea-bed treaty is to be concluded for a term of many years, for decades, and our objections to the inclusion of a provision concerning the Secretary-General cannot therefore relate to the present incumbent of that post. Our approach to this proposal is based on the fact that the question of international procedures and the good offices of the Secretary-General forms part of a wider problem that goes beyond the scope of the draft treaty under discussion and cannot be settled in the Committee on Disarmament, which is concerned with questions within a clearly defined range.

64. We have no desire to involve the Committee in a discussion of topics outside its competence, but simply wish, in order to explain our position, to remind it of past occasions on which some Western Powers have tried to foist on the Secretary-General political functions designed to secure the adoption of a policy corresponding to their own narrow interests. Such a situation arose, for instance, during the events in the Congo and also in connexion with other international developments, and served to increase international tension and to undermine the position of those who headed the

(The Chairman, USSR)

United Nations Secretariat in the past. At the time, we made statements to that effect in the United Nations saying what we thought of such activities. We have also repeatedly pointed out that the geographical distribution and deployment of staff in the United Nations Secretariat is not, unfortunately, such as to inspire confidence that the interests of all the main groups of States are equally safeguarded. The present deployment of staff gives some Western Powers a certain advantageous position and in many instances enables them to pursue a policy which is not in the interests either of other States or groups of States or of international peace and security in general.

65. In reminding the Committee of our position on this question, we should like to stress once again that it can be solved only on a broad basis. In our opinion, therefore, it would be improper for the Committee to divert its attention to the discussion of this question in connexion with a measure such as a treaty on the prohibition of the emplacement of weapons of mass destruction on the sea-bed. That is why the Soviet Union cannot agree to the inclusion in the sea-bed treaty of a provision which might serve as a cover for attempts of all kinds by some Western countries to utilize international institutions in a manner detrimental to the interests of other States or groups of States and to international peace and security in general.

66. It must also be borne in mind that the establishment within the United Nations of a group to supervise observance of the sea-bed treaty would involve substantial and, in our opinion, unnecessary expense. Reference to this point has already been made today by the representative of Czechoslovakia and we are in complete agreement with him. We share his views on this point as well as on the whole question of a provision on international procedures and the good offices of the Secretary-General.

67. A solution to the problem raised by delegations proposing the inclusion in article III of a provision on international procedures and the good offices of the Secretary-General is in fact provided by the right accorded to States in the sea-bed treaty to refer questions concerning the observance of the treaty to the Security Council, which may take action in accordance with the United Nations Charter, and also by the right of verification which may be undertaken by a Party using its own means or with the full or partial assistance of any other State Party to the treaty.

(The Chairman, USSR)

68. Those who favour including a provision on international procedures in the article on verification say that such a provision is necessary as a starting-point for future international machinery to ensure the peaceful exploitation of the sea-bed and the ocean floor in the interests of all States. This idea was expressed, in particular, by Mr. Edelstam, the representative of Sweden, at the meeting on 25 June (CCD/PV.473, para. 50). The provision he favoured would prejudge, in the treaty prohibiting the emplacement of weapons of mass destruction on the sea-bed and the ocean floor, the solution of questions relating to a different problem being dealt with by the United Nations Committee to study the Peaceful Uses of the Sea-bed and the Ocean Floor. We believe that to attempt to use this treaty prohibiting the use of the sea-bed for military purposes for the solution of international problems not really directly related to the substance of this treaty would be to adopt an incorrect procedure conducive neither to the solution of such problems nor to the conclusion of the treaty. The limitation or prohibition of the military use of the sea-bed would, of course, have an extremely favourable effect on its peaceful use. The draft treaty was prepared precisely with the future possibilities of the peaceful use of the sea-bed and the ocean floor in mind and in the interests of such use. The first preambular paragraph of the draft recognizes the common interest of mankind in the progress of the exploration and use of the sea-bed and the ocean floor for peaceful purposes. We believe that this form of words properly reflects the link between these aspects. My delegation notes with satisfaction that Mr. Khallaf, the representative of the United Arab Republic, also referred in his statement today to the inadvisability of "mixing" -- to use his term -- questions relating to verification of the non-utilization of the sea-bed for military purposes with questions relating to the peaceful use of the sea-bed. Here we fully agree with the position taken on this important matter.

69. We should also like to point out that, as a number of representatives have stated, it is realized that all the suggested amendments cannot be incorporated in the document we are preparing nor can all viewpoints be reconciled, because some of them are mutually exclusive. We share the view of Mr. Ortiz de Rozas, the representative of Argentina, who said in this Committee on 3 July:

> "... we should at least strive to produce an instrument representing an acceptable balance between the interests of the States participating in our negotiations." (CCD/PV.475/Add.1, para. 34)

(The Chairman; USSR)

70. It has also been proposed that we should again consider the possibility of including in the treaty an article on the need for further negotiations on a more comprehensive demilitarization of the sea-bed. The representatives of Mexico, Czechoslovakia and the United Arab Republic have spoken on this question. The position of the Soviet Union on the matter is well known to the members of the Committee. Having regard to the need to take the views of its partners in the negotiations into account, it agreed to such a provision being included in the treaty as a preambular paragraph. We share the view of Mr. Zybylski, the representative of Poland, who, on 18 June, urged the Committee to keep the question of the demilitarization of the sea-bed and the ocean floor on its agenda (CCD/PV.471, para. 9). It is our understanding that this proposal by the representative of Poland also has the support of the Swedish delegation, one of the delegations which initiated the proposal that an article on demilitarization should be included in the text of the treaty.

71. On 25 June, the delegation of Sweden further proposed the inclusion in the verification article of an additional provision, concerning the exclusive right of coastal States to verify the sea-bed zone between the limit of territorial waters, where the width of such waters is less than twelve nautical miles, and the twelve-mile limit (CCD/PV.473, para. 53). While fully recognizing the Swedish delegation's efforts to achieve the best possible assurance of strict compliance with the provisions of the treaty, we should like to point out that the existing wording of the draft treaty quite plainly excludes the possibility of any verification activity by States other than coastal State within the twelve-mile coastal zone. Article III, paragraph 1, for instance, contains the following statement:

> "In order to promote the objectives of and ensure compliance with the provisions of this Treaty, each State Party to the Treaty shall have the right to verify through observation the activities of other States Parties to the Treaty on the sea-bed and the ocean floor and in the subsoil thereof beyond the zone referred to in Article I ..." (CCD/269/Rev.2)

"Beyond the zone referred to in Article I" means beyond the twelve-mile coastal zone. Similarly other verification measures, including inspection, can only be undertaken beyond such a zone, since, according to article III, paragraph 2, such measures can be carried out only:

(The Chairman, USSR)

"If after such observation reasonable doubts remain concerning the fulfilment of the obligations assumed under the Treaty ..." (ibid.)

It follows that where "such observation" has not been carried out, other verification measures cannot take place.

72. But would that mean that, where the width of territorial waters is less than twelve nautical miles, the belt between the outer limit of such waters and the twelve-mile limit remains uncontrolled? In our view, article I, paragraph 2, which reserves the right of coastal States to undertake activities prohibited by the treaty within the zone referred to, presupposes that it is those States, i.e. the coastal States, that are to exercise control functions there. That is how we understand the matter.

73. In conclusion, we should like to stress once again that, on the whole, we assess favourably the desire of the States represented in the Committee for the speedy conclusion of the sea-bed treaty. We should like to point out in this connexion that this desire has been reflected in statements made not only by representatives in this Committee but elsewhere. We are gratified, for instance, that in the Soviet-Pakistan communiqué published on 26 June on the occasion of the visit to the Soviet Union of General Agha Muhammad Yahya Khan, the President of Pakistan, it was stated that the draft treaty prepared by the Committee on Disarmament corresponds to the interests of all countries of the world and should be presented to the United Nations General Assembly at its twenty-fifth session and then opened for signature.

74. The same desire was recorded in the Soviet-Swedish communiqué published on 20 June on the occasion of the visit to the Soviet Union of Mr. Palme, the Prime Minister of Sweden. That communiqué stressed the importance of the disarmament negotiations in Geneva leading to the speedy conclusion of the treaty on the prohibition of the emplacement of nuclear weapons and other weapons of mass destruction on the sea-bed and the ocean floor and in the subsoil thereof.

75. I trust that we shall soon be able to complete our work on the treaty and that it will be duly submitted to the General Assembly of the United Nations at its twenty-fifth session.

76. Mr. IGNATIEFF (Canada): I know that it is not usual for anyone in the Conference of the Committee on Disarmament to take the floor without a prepared statement. However, I agree entirely with you, Mr. Chairman, that it is in the interest of the Committee to try to conclude its work on the sea-bed treaty as soon

(Mr. Ignatieff, Canada)

as possible; and as you were good enough to state your understanding of the question of the role of the Secretary-General under the Charter and under the draft before us, proposed to the Committee, I should like to take advantage of the presence of the Representative of the Secretary-General and also of Mr. Kutakov, who is of course an authority on the Charter and is the Under-Secretary in charge of Political and Security Council Affairs, to suggest that they may wish to consult with the Secretary-General, and that other delegations may wish to reflect on the reason why the Canadian delegation has raised, and insists on raising, the question of the role of the Secretary-General in regard to the sea-bed treaty.

77. The question arises under Articles 34 and 35 of the Charter. Article 34 says: "The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute — and surely the question of compliance or non-compliance with a treaty of such importance as one dealing with the non-emplacement of nuclear weapons on the sea-bed is something which could give rise, to say the least, to international friction or dispute — "in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security". Article 35 is even more relevant. It reads:

> "Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly."

78. I ask you, Mr. Chairman, and I ask the Representative of the Secretary-General and also the Under-Secretary-General, if there is any device whereby any signatory of the treaty or any Member of the United Nations could bring a situation that might arise under the question of non-compliance with the treaty to the attention either of the General Assembly when it is not in session or of the Security Council without reference to the Secretary-General? Surely the normal channel is through the Secretary-General.

79. I ask that this question be seriously considered and an answer given to this Committee, because it seems to me that we are just wasting our time in trying to avoid what I view as the clear obligations and rights of Members of the United Nations under the Charter, and particularly under Articles 34 and 35.

The Conference decided to issue the following communiqué:

"The Conference of the Committee on Disarmament today held its 476th plenary meeting in the Palais des Nations, Geneva, under the chairmanship of H.E. Ambassador A.A. Roshchin, representative of the Union of Soviet Socialist Republics.

"Statements were made by the representatives of Czechoslovakia, Mexico, the United Arab Republic, the Union of Soviet Socialist Republics and Canada.

"The next meeting of the Conference will be held on Thursday, 9 July 1970, at 10.30 a.m."

The meeting rose at 12.10 p.m.